

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Case No. 98-CR-104

**WILFREDO VASQUEZ,
Defendant.**

ORDER

Defendant Wilfredo Vaquez again asks me to set a payment schedule for his fine and restitution. I sentenced defendant to life in prison, a \$2500 fine and \$4141.76 restitution following his conviction on racketeering and related charges. I did not set a specific schedule but rather indicated that he was to participate in the Inmate Financial Responsibility Program.

As I explained in a previous order denying such a request, district courts in this Circuit are not to dictate payment plans for fines or restitution during a defendant's confinement:

[L]eaving payment during imprisonment to the Inmate Financial Responsibility Program is not an error at all, let alone a plain error. The statute requires the judge to set a schedule if the defendant cannot pay in full at once, see 18 U.S.C. § 3664(f)(2), but it does not say when the schedule must begin. We hold today that it need not, and as a rule should not, begin until after the defendant's release from prison. Payments until release should be handled through the Inmate Financial Responsibility Program rather than the court's auspices.

United States v. Sawyer, 521 F.3d 792, 796 (7th Cir. 2008), cert. denied, 129 S. Ct. 897 (2009); see also United States v. Ellis, 522 F.3d 737, 739-40 (7th Cir. 2008) (addressing fines). If defendant disagrees with the Bureau's decisions under the IFRP, he may appeal

internally, see 28 C.F.R. § 545.11(d), or seek judicial review of the Bureau's final decision under the Administrative Procedure Act, see 5 U.S.C. § 702. Sawyer, 521 F.3d at 794.

THEREFORE, IT IS ORDERED that defendant's motion (R. 2495) is **DENIED**.

Dated at Milwaukee, Wisconsin this 16th day of March, 2009.

/s Lynn Adelman

LYNN ADELMAN
District Judge